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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/625,236	04/01/96	MCWILLIAMS	E 6655-PA01

C5M1/1118
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EXAMINER

NGUYEN, K

ART UNIT PAPER NUMBER

3509

2

DATE MAILED:

11/18/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ _____

Part II SUMMARY OF ACTION

- ☒ Claims 1-25 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☐ Claims _____ are allowed.
- ☒ Claims 1-3, 8-25 are rejected.
- ☒ Claims 4-7 are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1, 8-25 are rejected under 35 U.S.C. § 103 as being unpatentable over Knight U.S. Patent 4,790,051 in view of Strong et al. U.S. Patent U.S. Patent 5,150,971.

Knight discloses a body bag (10) comprising flexible walls defining and enclosing an interior chamber; a closable opening (12) in the wall providing access to the interior chamber. The bag (10) are made from material such as vinyl. It is noted that the bag does not includes a multilayer laminate having two layers of polymeric sheet material adhered therebetween and coextensive therewith a layer of metal foil as set forth in claims. However, Strong et al. teach it is known in the art the use of a pouch

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having a multilayer laminate as shown in Fig. 4. The laminate comprises layer (340) made multi-polymeric materials (see column 4, lines 55-57), layer (330) also made of polymeric material (see column 4, lines 4-6), layer (320) made of a metallic foil, and layer (310) made of paper or cardboard. Therefore, it would have been obvious to one of ordinary skill in the art to modify the bag (10) of Knight with the laminate as taught by Strong et al.. The motivation for such modification is to enhance the sealing capability of the body bag.

Regarding claims 16-18 and 25, a plurality of bags joined at the respective ends to form a continuous series of bags and they can be separated seriatim are very well known in the art such as roll of trash bags. Accordingly, it would have been a matter of design choice to manufacture the bags of Knight as modified by Strong et al. in such manner.

Regarding claims 19-21, 23 and 24, Knight uses sealing device such as heavy duty, zipper-type slide fastener (17) to seal the bag instead of the methods as set forth in these claims. However, such differences are merely mechanical expediciencies. Therefore, it would have been a matter of design to seal the bag (10) of Knight with any equivalent or desired method.

3. Claims 2 and 3 are rejected under 35 U.S.C. § 103 as being unpatentable over Knight in view of Strong et al. as applied to

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claim 1 above, and further in view of Rathjen U.S.

Patent 4,924,565.

The body bag of Knight as modified by Strong et al. does not include the use of an openable and closable valve in the walls. Rathjen teaches a body container having at least one valve (16A) having a conduit to inject or withdrawn gas into or out of the body container. Therefore, it would have been obvious to one of ordinary skill in the art to provide the body bag of Knight as modified by Strong et al. with the valve as taught by Rathjen for the advantage of retarding decomposition of the bodily remains.

Allowable Subject Matter

4. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Bellamy and Nelson et al. show various types of bag with access valves. Snow shows another type of laminate similar to the laminate of the present application.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien Nguyen whose telephone number is (703) 308-2493.

ktn
November 12, 1996


KIEN T. NGUYEN
PRIMARY EXAMINER
GROUP 3500